

TOWN OF LAUDERDALE-BY-THE-SEA

AGENDA ITEM REQUEST FORM

Assistar	nt Town Mana	ager	John Olinzock			
Departm	ent Submitting Requ	est	717	Dept Head's Sig		
Commission Meeting Dates	Last date to turn in to Town Clerk's Office	Commission Meeting Dates	Last date to turn in to Town Clerk's Office	Commission Meeting Dates	Last date to turn in to Town Clerk's Office	
Nov 10, 2009	Oct. 30 (5:00 p.m.)	☐ Jan 26, 2010	Jan 15 (5:00 p.m.)	March 23, 2010	Mar 12 (5:00 p.m.)	
Dec 1, 2009	Nov 20 (5:00 p.m.)	☐ Feb 9, 2010	Jan 29 (5:00 p.m.)	April 13, 2010	April 2 (5:00p.m.)	
Dec 8, 2009	Nov 25 (5:00 p.m.)	Feb 23, 2010	Feb 12 (5:00 p.m.)	April 27, 2010	April 16 (5:00p.m.)	
☐ Jan 12, 2010	Dec 31 (5:00 p.m.)	Mar 4, 2010	Feb 19 (5:00p.m.)	May 11, 2010	April 30 (5:00p.m.)	
NATURE OF AGENDA ITEM		Presentation Report Consent Agenda Bids	Resolution Ordinance Public Heari Old Business	ng A	ew Business Ianager's Report ttorney's Report	
	IENDATION: HA					
FISCAL IMPACT	AND APPROPRIA	ATION OF FUNDS	s: H/A			
Amount \$ Transfer of fu		From Acet #	Amount represents mate	_		
Town Attorney review Yes				Town Mo	nager's Initials:	

Site Plan Modifications – Code Section 30-5					
	Site P	an Modifica	ations – Co	de Section	30-5

granting of a development order. At this time, any remaining funds will be returned to the applicant. The Town and its outside consultants will maintain adequate financial records depicting charges of hours and expenses.

(e) Computation of time. See subsection 30-20(g) (Ord. No. 316, § 1, 1-9-90; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-54. Development review procedures.

Any application for a development permit required or authorized under this Code of Ordinances shall require an effective development order to be granted by the Development Review Official (DRO) or the Town Commission prior to issuance of the development permit. The DRO shall be the central intake point for filing all applications and supporting documents for development permits. Except as otherwise provided in this chapter, the following procedures shall govern the review of applications for development permits subsequent to filing.

(a) Completeness of application.

The DRO shall review the application for development permit to determine its completeness. Within five working days after receipt, the DRO shall either accept the application if it is complete, or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying the data missing from the application received. The determination of completeness in this subsection does not include the submission requirement set forth in subsection 30-104(a).

- (1) If a notice of incompleteness is not sent, the application shall be deemed accepted for purposes of beginning the time limits of this article on the sixth (6th) working day after the filing of the application.
- (2) If a notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the DRO shall review the resubmitted application in the manner provided in this subsection for the original application.

(b) Application review.

Upon acceptance of an application for development permit, the DRO will identify Town departments, Town consultants, County departments and affected agencies and/or parties which should participate in the development review. The DRO shall forward a copy of the application and accompanying material to each identified party.

Departments, agencies and parties considered for review include:

- (1) Town departments and/or consultants: Police, Utilities, Building Official, Consultant Engineer and Consultant Planner.
- (2) Broward County departments and agencies: Engineering Division, Traffic Engineering Division, Office of Planning, Planning Council, Mass Transit Division, Utilities Division, Water Resources Management Division, Broward County School Board, Soil

Conservation Service, Building and Zoning Enforcement Division, Broward County Public Health Unit, Broward County Sheriff's Office, Fire Marshal's Office, Environmental Quality Control Board, and Soil Conservation Service.

- (3) State, regional and Federal departments and agencies: Florida Department of Transportation, Florida Department of Natural Resources, Florida Department of Community Affairs, Florida Department of Environmental Regulation, State Forestry Division, South Florida Water Management District, South Florida Regional Planning Council, Florida Inland Navigation District, and Army Corps of Engineers.
- (4) Utility providers and adjacent cities: Florida Power and Light Company, Bell South Company, City of Fort Lauderdale, Village of Sea Ranch Lakes, and Broward County.

(c) Review responsibilities.

A tabular form summarizing the development application, review input desired and supporting information will be forwarded to each affected agency or department. Each reviewing agency will be requested to complete the tabular form and add any additional written comments and recommendations regarding the application for development permit. Each review agency will be requested to return the tabular form to the DRO within 15 working days.

The DRO may waive agency review, in whole or in part, under this section upon a determination that such a review is not required, information previously provided to the DRO is applicable to the subject development application, or a similar application review has already been made regarding the same land and no change in circumstances has occurred which necessitates further review.

(d) Committee review.

The DRO will appoint a Development Review Committee (DRC) which may consist of the following type individuals: the Public Works Director; the Town Planner and the Town Manager. Additional or temporary appointments can be made by the DRO as required. Applications for development permits shall be reviewed by the Development Review Committee either in a formal meeting or by written review within 25 calendar days of acceptance of the application; provided however, if the application is not subject to major review and is for development of fewer than ten dwelling units or less than 5,000 gross square feet of non-residential floor area, the DRO may waive review of the application by the Development Review Committee, but the application shall be subject to review by those agencies or parties that the DRO seems appropriate.

(e) Meeting summary.

Within five working days of the Development Review Committee's consideration of the application for development permit, the DRO shall forward to the applicant a written review of matters discussed at the meeting regarding compliance with relevant regulations.

(f) Amendment to application.

An application for a development permit may be amended by the applicant after it has been accepted. The DRO shall examine the amendment at the point in the reviewing process at which it occurs to determine if any portion of the reviewing process must be repeated. If any such portion must be repeated, the DRO is authorized to extend the time limits prescribed in this section as long as necessary to undertake such additional review, but not to exceed 30 calendar days from the date that the amendment is received.

(g) Required action by other County Board or agency.

In the event this Code of Ordinances requires that a development permit not be issued until acted upon by some County Board or agency other than the Town Commission, then the DRO shall forward the application for development permit to such County Board or agency for appropriate action prior to the issuance of a development order pursuant to subsections 24.1.4(h) and 24.1.4(k) of this article or the notification to an applicant that an application is ready to be presented to the Town Commission pursuant to subsection 24.1.4(i) of this article. The time limits of said sections shall be extended to accommodate such additional board or agency action.

(h) Minor review; development order.

Upon receipt of a completed application for development permit subject to minor review, the DRO shall make a determination, based upon required agency reviews;

- (1) That the application complies with the applicable standards and minimum requirements of this chapter, or that vested rights exist with regard to any noncompliance, in which case the DRO shall issue a development order granting the application; or
- (2) That the application is not in compliance with the applicable standards and minimum requirements of this chapter, have been determined by the DRO to be reasonably necessary to ensure compliance with the applicable standards and minimum requirements of this chapter, and vested rights exist with regard to any noncompliance in which; case the DRO shall issue a development order granting the application with such conditions; or
- (3) That the application is not in compliance with the applicable standards and minimum requirements of this chapter, in which case the DRO shall issue a development order denying the application.
 - A development order denying an application shall include a statement of the basis for denial. A development order granting an application with conditions shall include a statement of said conditions and the bases therefor.
- (i) Major review, development review report and notice to applicant.

Within five working days from the DRC review of the application for development permit subject to major review, the DRO shall compile the individual staff reports, prepare a written development review report with proposed findings and a recommendation, and forward a notification of preparedness to the applicant stating that the report is complete and the

application is ready to be presented to the Planning and Zoning Board and/or Town Commission. Any waiver granted under subsection 30-54(c) of this article and the reasons therefor shall be explained in the development review report.

- (j) Referral of applications to Planning and Zoning Board and for Town Commission.
 - (1) For applications subject to major review, within ten calendar days of issuance of the notification of preparedness, the applicant shall respond with a written authorization to proceed. If no written authorization is received within ten calendar days, the application for development permit shall be deemed withdrawn. Upon receipt of written authorization from the applicant to proceed, the DRO shall submit the development review report and recommendation for scheduling on the next available agenda of the Planning and Zoning Board and/or Town Commission.
 - (2) If the application [is] subject to minor review and the DRO believes there is a substantial question regarding the interpretation of this chapter as it applies to the application, the DRO may refer the matter to the Planning and Zoning Board and/or Town Commission for a determination.

(k) Major review, development order.

- (1) At a regularly scheduled public meeting held within 55 calendar days of the DRC review of the development application, the Planning and Zoning Board shall review the application for conformity to this chapter and shall make a recommendation for the consideration of the Town Commission. The Town Commission, after consideration of the application and the recommendation of the Planning and Zoning Board, shall make one of the following determinations:
 - a. That the application is in compliance with the applicable standards and minimum requirements of this chapter or that vested rights exist with regard to any noncompliance, in which case the Town Commission shall adopt a development order granting approval of the application;
 - b. That the application is not in compliance with the applicable standards and minimum requirements of this chapter, in which case the Town Commission shall adopt a development order denying the application; or
 - c. That the application is not in compliance with the applicable standards and minimum requirements of this chapter but conditions have been determined by the Town Commission to be reasonably necessary to ensure compliance with the applicable standards and minimum requirements of this chapter, and that vested rights exist with regard to any noncompliance, in which case the Town Commission shall adopt a development order granting approval of the application with said conditions.
 - d. That the application is not in compliance with the applicable standards and minimum requirements.

(2) A final determination by the Town Commission under this subsection may be deferred beyond the calendar day limits in paragraph (1) of this subsection if the Town Commission finds that available information is insufficient on which to base either approval or denial of a particular application; and the Town Commission directs or has directed that a specific study commence to provide the Town Commission with information sufficient to form the basis on which to approve or deny the application and the study will be completed within a time certain, not to exceed six months from the date of the Town Commission's determination under this subsection; provided however, as a prerequisite to directing that a specific study commence to provide the Town Commission with information sufficient to form a basis on which to approve or deny a particular application, the Town Commission shall identify the inadequacy of the information available with respect to the application.

(1) Reinstatement of development orders.

An application for platting denied in accordance with subsection 30-54(h)(3) or (k)(1)b solely on the basis of inadequacy of the regional transportation network may be reinstated provided that all of the following conditions are met:

- (1) The applicant, within seven calendar days of the denial, notifies the DRO of an intention to develop an action plan, and pays any appropriate fees established by the Town Commission for the review of an action plan.
- (2) The applicant submits a complete action plan, as defined in guidelines approved by the Town Commission, to the DRO within 125 calendar days from the notification of intent to develop an action plan.
 - a. The DRC shall, within 15 working days, review the action plan and provide the applicant with its recommendations.
 - b. The applicant, within ten working days of the issuance of the DRC recommendation, shall either:
 - 1. Provide the DRO with a written authorization to proceed to the next available Town Commission meeting with the proposed action plan, and the proposed plat; or
 - 2. Submit a revised action plan to the DRC. Within ten working days of the resubmittal, the DRC shall issue a revised report. Within ten working days of issuance of the revised report, the applicant shall provide the DRO with a written authorization to proceed to the next available Town Commission meeting with the proposed action plan and the proposed plat.
 - c. Failure by the applicant to meet the time frames of subsections (1) and (2) above shall constitute withdrawal of the notification of intent to develop an action plan. For an application reinstated under this provision, the DRO shall submit the previous development review report, amended by the approved action plan, for scheduling if said application is for plat approval. The Town Commission shall consider the application for plat approval based on the conditions which existed

at the time of the denial, except for the provisions of the approved action plan. The DRO shall approve the application for a development permit subject to minor review based upon the conditions that existed at the time of the denial, except for the provisions of the approved action plan.

(m) Effect of development order.

- (1) Except as otherwise provided in this chapter, a development order shall remain effective for a period of six months from the date of its adoption, unless extended by the Planning and Zoning Board or Town Commission.
- (2) No development permit shall be issued except pursuant to an effective development order.
- (3) No development permit shall be issued for a development which is inconsistent with the development order governing such development.
- (4) Modification of approved site plan.
 - a. Minor: A non-impacting modification which will have no adverse effect on the approved site and development plan and no impact upon adjacent and nearby properties, and no adverse aesthetic impact when viewed from a public right-ofway as determined by the Town Manager and/or his designee(s).
 - b. Major: A modification which presents a significant change in intensity of use which, in turn, may have a significant impact upon facilities, concurrency; upon nearby and adjacent properties, or upon findings made at the time of approval of the site and development plan as determined by the Town Manager and/or his designee(s).
 - c. In making a minor/major modification determination, the Town Manager and/or his designee(s) shall consider the following:
 - 1. Does the modification increase the buildable square footage of the development
 - 2. Does the modification reduce the provided number of parking space below the required number of parking spaces.
 - 3. Does the modification cause the development to be below the development standards for the zoning districts in which it is located or other applicable standards in the land development regulations.
 - 4. Does the modification have an adverse effect on adjacent or nearby property or reduce required physical buffers, such as fences, trees, or hedges.
 - Does the modification adversely affect the elevation design of the structure or reduce the overall design of the structure below the standards stated in the community design plan.
 - 6. Does the modified development meet the concurrency requirements of the Town of Lauderdale-By-The-Sea Comprehensive Plan.

- 7. Does the modification alter the site layout so that the modified site plan does not resemble the approved site plan.
- d. When any determination of major/minor modification made by the Town Manager or his designee(s) is challenged or contested by the applicant, an appeal may be taken to the Town Commission.
- e. Procedure: A site plan modification shall be processed as follows, pursuant to its categorization:
 - Minor: Administrative review and action by the appropriate Town departments.
 - 2. Major: Processing is the same as for the original site plan.
- f. Required information: The following information must be presented with a request for a site plan modification:
 - 1. Minor: A letter which sets forth the requested changes along with an exhibit showing that portion of the site plan which is to be changed in its present condition and an exhibit depicting the requested change.
 - 2. Major: A major modification shall contain the same information as required for a new site plan submittal.
- g. Fees shall be approved by the Town Commission.
- h. Upon approval of a major site plan modification by the Town Commission, the applicant shall have six months to secure a building permit from the Development Department. If an applicant fails to secure a building permit in that time, all previous approvals shall become null and void and the applicant will be required to resubmit the plan for site plan review. At its discretion, the Town Commission may extend the approval of a major site plan modification for a six-month period. Minor modifications shall not extend the time limits of an approved site plan.
- i. The Town Manager and/or his designee(s) shall file a quarterly report on minor site plan modifications with the Town Commission.

(n) Vested rights.

- (1) Existing agreements giving rise to vested rights: The Town of Lauderdale-By-The-Sea recognizes that certain property owners or developers may have a claim to a vested right based upon agreements with the Town entered into prior to March 14, 1989, the adoption date of the 1989 Lauderdale-By-The-Sea Comprehensive Plan. The Town recognizes that such rights would arise in a circumstance where:
 - All regional roads.
 - 1. The agreement provided for the developer to undertake or fund a road improvement which exceeded the developer's obligation under any plat approval; and

- 2. The agreement contains language or evidences of the intent that construction of the road improvement would satisfy the developer's obligation to ensure the adequacy of the regional road network with regard to specified development on a described parcel which was not undergoing platting; and
- 3. The developer acted in reliance upon the agreement and is not in default of the provisions of the agreement.

b. Specific road segment.

- 1. The agreement provided for the developer to undertake a road improvement which is unrelated to plat approval; and
- 2. The developer did not receive payment or credit for such improvement since it was determined that the road would be required to provide safe and adequate access to the unplatted property; and
- 3. The developer constructed the road to service his development without any compensation; and
- 4. In such circumstances the vested trips on the road segment constructed by the developer shall not exceed the lesser of the number of trips the road improvement can accommodate at level of service D or the number of trips generated on the segment by the intensity or density of development specified in the agreement.
- (2) Entitlement to impact fee credits pursuant to an agreement shall not, of itself, constitute a basis for vesting a development or the trips represented by the impact fee credits.
- (3) It is recognized that there may be additional circumstances where some vested rights have arisen which are not specified in subsections (1)a. or b.
- (4) Procedure for claiming vested rights.
 - a. Any property owner or developer may seek a vested rights determination regarding a specific unplatted parcel for which additional intensity or density is sought.
 - b. Requests for vested rights determination shall be made on forms provided by the DRO. The developer shall be required to state the parcel for which the vested rights determination is sought, the basis for the vested rights claim, and shall provide a copy of the agreement or other document which the developer asserts gives rise to a vested rights determination.
 - c. After the developer has submitted a complete application for a vested rights determination to the DRO it shall be forwarded to the Town's Attorney for review.
 - d. A Hearing Officer shall be appointed to conduct an administrative hearing regarding the vested rights determination. The hearing shall be set for no later than 60 days from the date of application unless an extension of time is requested or agreed to by the applicant.

- e. The Town Attorney shall represent the Town in the administrative hearing. The Hearing Officer shall determine whether vested rights have been created pursuant to statute or established case law.
- f. If the Town's Attorney, any time before the hearing, reviews the application and finds that the application has provided clear evidence that vested rights claimed by the developer exist, the Town Attorney and the applicant may stipulate to the existence of vested rights. Such stipulation shall eliminate the need for a determination by the Hearing Officer.
- g. If vested rights are stipulated to or found by the Hearing Officer, the trips attributable to such vested rights shall be placed within the Broward County TRIPS system and shall be available to the benefitted property for a period of five years.
- h. A determination by the Hearing Officer that vested rights have not arisen shall be determined to be a final decision of the County.

(Ord. No. 339, § 1, 5-25-93; Ord. No. 2004-07, § 2, 6-8-04; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-55. Dedication and conveyance credits and adjustments.

- (a) Whenever a development order approving a site plan includes a condition of approval requiring the dedication of fee title interest in land for right-of-way, sidewalks, utilities, access or any other Town or public purposes, the Town Commission may grant:
 - (1) Density credit for all or a portion of the land dedicated or conveyed to the Town or the public;
 - (2) Adjustment to building setback requirements and encroachments thereon; and/or
 - (3) Relief from the requirements for providing open space.
- (b) At such time as the development order is approved and recorded, and the land has been dedicated or conveyed, the approved site plan shall be deemed to be in conformity with all provisions of the Town's Code of Ordinances.

(Ord. No. 04-04, § 2, 6-8-04; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Secs. 30-56-30-70. Reserved.

DIVISION 2. DEVELOPMENT REVIEW REQUIREMENTS

Sec. 30-71. Development review requirements.

An application for development permit in the Town of Lauderdale-By-The-Sea must comply with the following requirements:

(a) Adequacy of regional road network.

APPLICANT: OCEAN TERRACE Beachside Condominium 4564 El Mar Drive

Submitted By: Rodriquez Design Group, Inc.

Rodriguez Design Group Inc.

901 S. Federal Highway Suite 200 Fort Lauderdale, Florida 33316 Telephone 954-764-0907 Telefax 954-764-0940



February 5, 2010

DEVELOPMENT SERVICES

Jeff Bowman Development Services Director 4501 Ocean Drive Lauderdale by the Sea, Fl 33308 954-776-3611

Reference:

Ocean Terrace Beachside Condominium 4564 El Mar Dr. Lauderdale by the Sea

Please find information supporting our request to have the above referenced site plan approved project reviewed for minor modifications. The project consists of re-building a two story, two unit building portion, of an existing 8 unit condominium structure. Due to hurricane damage, the east portion of the building containing the two units collapsed. This portion was attached to the remaining existing building on the second floor, with a breezeway at the first floor between the units. As part of the development order, only the east collapsed portion of the building is to be replaced and attached to the existing building. However, comments from the P&Z Board and the Commission meetings, suggested enhancing the existing building's flat roof with a continuation of the pitch roof proposed over the replaced structure. In response to those comments and as part of the necessary roof repairs of the existing building, the Ocean Terrace Beachside Condominium board of Directors has decided to comply with the recommendation and provide a mansard roof over the existing building. Therefore, the modification requested includes a new mansard roof over the existing building's flat roof area. This modification does not go over the 50% rule per Section 7.1. See drawing exhibits attached.

Please also find below the responses to Section 30-54 of the LBTS Zoning Ordinances questions reference our request for minor site plan modifications.

Sec. 30-54. Development review procedures.

(m) Effect of development order.

- (4) Modification of approved site plan.
- a. **Minor: A non-impacting modification** which will have no adverse effect on the approved site and development plan and no impact upon adjacent and nearby properties, and no adverse aesthetic impact when viewed from a public right-of-way as determined by the Town Manager and/or his designee(s).
- b. Major: A modification which presents a significant change in intensity of use which, in turn, may have a significant impact upon facilities, concurrency; upon nearby and adjacent properties, or upon findings made at the time of approval of the site and development plan as determined by the Town Manager and/or his designee(s).
- c. In making a minor/major modification determination, the Town Manager and/or his designee(s) shall consider the following:
- 1. Does the modification increase the buildable square footage of the development. **Response:** No.
- 2. Does the modification reduce the provided number of parking space below the required number of parking spaces.

Response: No.

- 3. Does the modification cause the development to be below the development standards for the zoning districts in which it is located or other applicable standards in the land development regulations. **Response:** No.
- 4. Does the modification have an adverse effect on adjacent or nearby property or reduce required physical buffers, such as fences, trees, or hedges.

 Response: No.
- 5. Does the modification adversely affect the elevation design of the structure or reduce the overall design of the structure below the standards stated in the community design plan. **Response:** No.
- 6. Does the modified development meet the concurrency requirements of the Lauderdale-By-The-Sea Comprehensive Plan.

Response: Yes.

7. Does the modification alter the site layout so that the modified site plan does not resemble the approved site plan.

Response: No.

We appreciate your consideration to this matter. Should you have any questions please call me at your convenience.

Respectfully,

Esther Ravelo, Architect Vice President, RDG

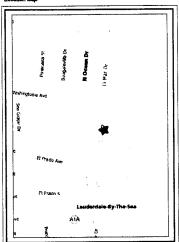
Ocean Terrace Beachside Condominium Minor Site Plan Modifications

Lauderdale By The Sea

4564 El Mar drive

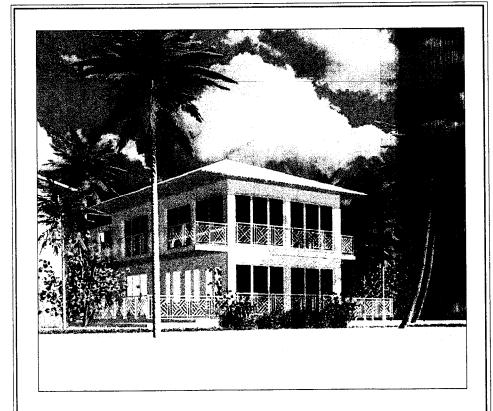
Broward County, Florida

Location Man



Anniel Photo





Sheet Index

T1.0.0 Cover Sheet
A1.0.0 Comparative Plans
A1.1.0 Site Plan
A2.1.0 Roof Plan Proposed
A2.2.0 Roof Plan Existing Flat Roof
A3.1.0 Proposed West and East Elevations
A3.2.0 Proposed South Elevations
A3.2.0 Proposed North Elevations

roincl Date

STREET ADDRESS:
4564 51 Mor Drive, Louderdole By The Sea, Florido 33308

LEGAL DESCRIPTION:
Lot 17, Bock 8 of LAUDERDALE SY THE SEA according to the plot thereof, as recorded in Post Book 6, at page 2, of the Public Records of Browned County, Florida.

Flood Jones: VE and AD

Zoning District: RH-25

Use: Residential

Cross Acreoge: 16,442.97 s.t. (38 Acres)

Ocean Terrace Beachside Cond Reconstruction and Renova

EYED) MES

MARTINE SOURCE NAMED 200708

T1.0.0

